## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF PENNSYLVANIA

In re WELLBUTRIN XL ANTITRUST LITIGATION	) Civil Action No.: 2:08-cv-2433
THIS DOCUMENT RELATES TO:	) ) Hayarahla Mary A. Malayahlir
INDIRECT PURCHASER ACTION	<ul><li>) Honorable Mary A. McLaughlin</li><li>)</li></ul>
	)

# INDIRECT PURCHASER PLAINTIFFS' AND CLASS COUNSEL'S APPLICATION FOR AWARDS OF INCENTIVE PAYMENTS, FEES AND REIMBURSEMENT OF EXPENSES FROM THE PROPOSED CLASS ACTION SETTLEMENT

Aetna Health of California, Plumbers & Pipefitters Local 572 Health and Welfare Fund, and Painters District Council No. 30 Health and Welfare Fund ("Plaintiffs"), by and through Co-Lead Class Counsel, respectfully move this Court for an order: (1) awarding attorneys' fees, pursuant to FED. R. CIV. P. 23(h), of \$3,916,275, which amounts to \$33.33% of the Gross Settlement Fund; (2) reimbursing Class Counsel \$1,279,514.86 for the costs and expenses reasonably incurred in this litigation; and (3) approving incentive awards in the aggregate amount of \$60,000 for the three Plaintiffs.

In support of this Application, Co-Lead Class Counsel submit the accompanying Memorandum in Support of Indirect Purchaser Plaintiffs' and Class Counsel's Application for Awards of Incentive Payments, Fees, and Reimbursement of Expenses from the Proposed Class Action Settlement and the Declaration of Peter D. St. Phillip, Jr. with its exhibits A-V. To date, there have been no objections to the relief requested herein. The Court has scheduled a hearing on final approval for June 18, 2013.

WHEREFORE, Plaintiffs respectfully move this Court for the entry of an Order substantially in the form attached as Exhibit A to Class Plaintiffs' Motion for Final Approval of Settlement with the Valeant Defendants.

Dated: May 15, 2013 Respectfully submitted,

#### By: /s/ Kenneth A. Wexler.

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Plaintiffs' Co-Lead Counsel

### **CERTIFICATE OF SERVICE**

I hereby certify that on May 15, 2013, I electronically filed the foregoing using the Court's Case Management and Electronic Case Filing system, which will send notification of such filing to counsel of record in this action registered with the Court's system. Those counsel not registered with the Court's system will receive service via electronic and U.S. Mail.

/s/ Amber M. Nesbitt